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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,114	01/16/2004	Shinsuke Suzuki	HITA.0495	4985
7590 05/12/2009				
Stanley P. Fisher Reed Smith LLP Suite 1400 3110 Fairview Park Drive Falls Church, VA 22042-4503			EXAMINER NAJEE-ULLAH, TARIQ S	
			ART UNIT 2456	PAPER NUMBER
			MAIL DATE 05/12/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,114

Applicant(s)

SUZUKI ET AL.

Examiner

TARIQ S. NAJEE-ULLAH

Art Unit

2456

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. Claims 1-3 and 6-8 are pending in the case. Claim 1 has been amended. Claims 4-5 and 9-19 have been cancelled. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 6-8, 10-11 and 13-19 rejected under 35 U.S.C. 103(a) have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 2A references 230 as a traffic control computing device (Published Specification US2004/0158643; par. 30). There is no "230" found on figure 2A. Examiner interprets "203" to be a misspelling of "230." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2003/0188192 to Tang et al (Tang hereinafter) in view of what was well known in the art.

Regarding claim 1, Tang discloses **a traffic control computing device** (Tang, fig. 1, 112 open network router, i.e. traffic control computing device) **comprising: a traffic control interface connected to traffic control devices** (Tang, fig. 1, interfaces indicated by arrows between 118, 116, 102 and the router, i.e. traffic control device) **which control traffic in a network using various filtering capabilities**(Tang, ¶16, system for filtering encrypted packets implemented by mapping Access Control List and Security Information Transport Protocol tables to a filter rule constructor which generates rules necessary to decrypt the packet headers and filter the packets based on the identifiers in the encrypted packet header); **a traffic control request interface connected to traffic control request detecting devices which determine whether traffic control must be executed by said traffic control devices** (Tang, ¶17, The forwarding element, i.e. traffic control request interface, can be a combination of

hardware and software configured to transmit and route data. The forwarding element includes or is connected, i.e. interfaced, to one or more Internet hosts that provide temporary IP addresses to the local VPN endpoint. For Open Network router construction, there are multiple forwarding elements (fig. 1, 108). Generally, there is at least one forwarding element connected, i.e. interfaced, to the Internet host(s) 116 and at least one forwarding element connected, i.e. interfaced, to the VPN 102 or other local computer(s).); **a first storage device in which information about traffic control received via the traffic control request interface** (Tang, ¶17, memory inside the control element; fig. 1, 120, 122) **and a traffic control method list are stored** (Tang, ¶18, Filter Rule Constructor receives an Access Control Listing (ACL) table and a SITP mapping table and thereafter generates a graph of filter chains. The control element downloads the filter chain graph to the forwarding element), **the traffic control method list including a list of processes currently executed by each of the traffic control devices** (Tang, ¶19, fig. 1B, 104, 106); **a traffic control computing unit connected to said traffic control interface, and connected to said traffic control request interface, and connected to said first storage device** (Tang, ¶17, the control element; fig. 1, 120); **a second storage device** (Tang, ¶17, memory inside the control element; fig. 1, 120, 122; Tang discloses one or more networked computers having memory suggesting one or more memory, i.e. storage devices) **in which capabilities of the traffic control devices are stored** (Tang, ¶20-21); **and a traffic control computing management interface** (Tang, ¶17, the control element; fig. 1, 120), wherein said traffic control computing unit computes traffic control algorithms

based on traffic control requests received from said traffic control request detecting devices and stored in the first storage device and the capabilities of the traffic control devices stored in the second storage device (Tang, ¶20-21), overwrites the traffic control method list stored in the first storage device based on the traffic control algorithms, and sends traffic control information based on the overwritten traffic control method list to the traffic control device (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device), wherein said traffic control computing unit compares information about a sender of a second traffic control request received through said traffic control request interface for a match with any of traffic control information objects stored in said first storage device (Tang, ¶22-25 details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match; Processes described in fig. 4, 5, 6) and rejects said second traffic control request if the information about said sender of the second request is not stored in said first storage device (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; Processes described in fig. 4, 5, 6), wherein said traffic control computing management interface is configured to operate as a contact point for communicating with a network administrator and wherein said traffic control computing unit checks whether said second traffic control request received logically conflicts with any

traffic control request stored in said first storage device (Tang, ¶22-25 details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match; Processes described in fig. 4, 5, 6; ¶26 statistics information results can then be returned to a network manager) **and, if said second traffic control request received logically conflicts with any traffic control request stored in said first storage device** (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6), **compares information about the sender of the second traffic control request with information about the sender of said traffic control request that logically conflicts with said second traffic request received** (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6), **and, if both the senders are different, sends a notification of the logical confliction to said traffic control computing management interface** (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to

a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6).

Tang teaches a memory, i.e. storage device inside the control element (Tang, ¶17; fig. 1, 120, 122). Tang also discloses one or more networked computers having memory suggesting one or more memory, i.e. storage devices (Tang, ¶17; fig. 1, 120, 122). Tang does not explicitly teach a second storage device as in the claimed invention. Official Notice (see MPEP 2144.03) is taken that storing information at a second storage device within a traffic control device was well known in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Tang to store information relating to device capabilities on a second storage device to provide a more effective and efficient network.

Regarding claim 2, Tang discloses the invention substantially as described in claim 1 above including, **an information unit for acquiring information objects about traffic control details per traffic control device associated with IDs of the traffic control devices** (Tang, ¶17, the control element; fig. 1, 120), **the traffic control details being now executed separately by said traffic control devices** (Tang, ¶20-21), and **a second storage device in which said acquired information objects about traffic control details per traffic control device associated with the IDs of the traffic control devices are stored** (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of

values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6).

Regarding claim 3, Tang discloses the invention substantially as described in claim 1 above including, **wherein IDs of said traffic control request detecting devices are stored in said first storage device**(Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6).

Regarding claim 6, Tang discloses the invention substantially as described in claim 1 above including, **wherein, if both said senders match, said traffic control computing unit is structured to assume that said sender of said traffic control request that conflicts with the second traffic control request sent a request to cancel said traffic control request that conflicts with the second traffic control request** (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6).

Regarding claim 7, Tang discloses the invention substantially as described in claim 2 above including, **wherein, when said information acquiring unit has been successful in newly acquiring a traffic control information object from a traffic**

control device among the traffic control devices (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6), **said traffic control computing unit is structured to determine that said traffic control device is operating and updates the traffic control information object for the traffic control device among the traffic control devices** (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6) **stored in said first storage device to said traffic control information object newly acquired** (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6).

Regarding claim 8, Tang discloses the invention substantially as described in claim 2 above including, **wherein that when a traffic control information object has failed to be acquired from a traffic control device among the traffic control devices** (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the

new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6), **said traffic control computing unit determines that said traffic control device among the traffic control devices** (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6) **is not operating and deletes the traffic control information object for the traffic control device determined as being non-operating from said storage device** (Tang, ¶22-25, details how a filter can be added or deleted from the list downloaded from memory, i.e. storage device; FRC then compares the value for the new filter specified by the client to a predetermined value or range of values corresponding to secure, or encrypted packets, checks for a match or conflict; Processes described in fig. 4, 5, 6).

Conclusion

6. In conclusion, in an effort to better place the claims in condition for allowance, Examiner encourages further modification of claim language to include language that is more precisely descriptive and provides a more clear representation of what the Applicant presents as the invention in the specification in a manner which overcomes the prior art as presented. Examiner also reminds Applicant that although the claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 2004/0022243 to Jason, JR; US 2006/0070122 and US 7,051,365 to Bellovin; US 2002/0090089 to Branigan et al; US 2004/0208151 to Haverinen et al; US 2006/0059558 to Selep et al.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TARIQ S. NAJEE-ULLAH whose telephone number is (571)270-5013. The examiner can normally be reached on Monday through Friday 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TN/

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2456